

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

DR. TERRY LEE LAFLEUR, IN HIS
OFFICIAL CAPACITY AS CANDIDATE FOR
GOVERNOR OF SOUTH DAKOTA,

Plaintiff,

vs.

SHANTEL KREBS, IN HER OFFICIAL
CAPACITY AS SECRETARY OF STATE FOR
SOUTH DAKOTA; DAN LEDERMAN, IN HIS
OFFICIAL CAPACITY AS CHAIRMAN OF
THE REPUBLICAN PARTY OF SOUTH
DAKOTA; LORA HUBBEL, JOINTLY AND
SEVERELY; GORDON HOWIE, JOINTLY
AND SEVERELY; JOEL BERGAN, JOINTLY
AND SEVERELY; MARILEE ROOSE,
JOINTLY AND SEVERELY; FRANK
FLUCKIGER, JOINTLY AND SEVERELY;
AND MATT JOHNSON, JOINTLY AND
SEVERELY,

Defendants.

4:18-CV-04125-RAL

ORDER CONCERNING SERVICE

Terry Lee LaFleur (LaFleur), proceeding pro se, filed a complaint seeking \$100 million in damages plus punitive damages and other relief for various violations of his constitutional and statutory rights. Doc. 1. LaFleur filed a motion to proceed in forma pauperis, Doc. 3, which this Court granted, Doc. 9. LaFleur has amended his complaint twice since then but none of the Defendants have been served. The Eighth Circuit has recognized that plaintiffs who proceed IFP are entitled to rely on service by the United States Marshals Service. Wright v. First Student, Inc.,

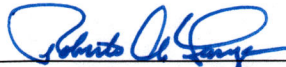
710 F. 3d 782, 783 (8th Cir. 2013) (per curiam) (court staff were obligated to prepare the summons and provide it to the USMS, and the USMS was obligated to effect service). Accordingly, it is hereby

ORDERED that plaintiff shall complete and send to the Clerk of Court a separate summons and USM-285 form for each Defendant. Upon receipt of the completed summons and USM-285 forms, the Clerk of Court will issue the summonses. If the completed summons and USM-285 forms are not submitted as directed, the complaint may be dismissed. It is further

ORDERED that the United States Marshals Service shall serve the completed summonses, together with a copy of the second amended complaint, Doc. 15, and this order, upon the Defendants.

DATED this 4th day of January, 2019.

BY THE COURT:



ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE